

CHAPTER 1001
TERMINATION OF SPECIAL EDUCATION
H.F. 162

AN ACT relating to the age of termination of education for children requiring special education.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 281.8, unnumbered paragraph 2, Code 1983, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

An area education agency director of special education may request approval from the department of public instruction to continue the special education program of a person beyond the person's twenty-first birthday if the person had an accident or prolonged illness that resulted in delays in the initiation of or interruptions in that person's special education program. Approval may be granted by the department to continue the special education program of that person for up to three years or until the person's twenty-fourth birthday.

Approved February 2, 1984

CHAPTER 1002
LIABILITY REGARDING PUBLIC PLACES IN CITIES
H.F. 359

AN ACT relating to the duties and liabilities of persons with respect to public places located within cities.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 364.12, subsection 2, Code 1983, is amended to read as follows:

2. A city is ~~responsible for the care, supervision, and control of~~ shall keep all public grounds, streets, sidewalks, alleys, bridges, culverts, overpasses, underpasses, grade crossing separations and approaches, ~~except those lawfully required to be maintained by a railway company, and the city shall keep all~~ public ways, squares, and commons open, in repair, and free from nuisance, with the following exceptions:

- a. Public ways and grounds may be temporarily closed by resolution. Following notice as provided in section 362.3, such public ways and grounds may be vacated by ordinance.
- b. The abutting property owner is responsible for the ~~prompt~~ removal of snow, ice, and

accumulations the natural accumulations of snow and ice from the sidewalks within a reasonable amount of time and may be liable for damages caused by the failure of the abutting property owner to use reasonable care in the removal of the snow or ice. If damages are to be awarded under this section against the abutting property owner, the claimant has the burden of proving the amount of the damages. To authorize recovery of more than a nominal amount, facts must exist and be shown by the evidence which afford a reasonable basis for measuring the amount of the claimant's actual damages, and the amount of actual damages shall not be determined by speculation, conjecture, or surmise. All legal or equitable defenses are available to the abutting property owner in an action brought pursuant to this paragraph. The city's general duty under this subsection does not include a duty to remove natural accumulations of snow or ice from the sidewalks. However, when the city is the abutting property owner it has the specific duty of the abutting property owner set forth in this paragraph.

c. The abutting property owner may be required by ordinance to maintain all property outside the lot and property lines and inside the curb lines upon the public streets, except that the property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right of way.

d. A city may serve notice on the abutting property owner, by certified mail to the property owner as shown by the records of the county auditor, requiring him the abutting property owner to repair, replace, or reconstruct sidewalks.

e. If the abutting property owner does not perform an action required under this subsection within a reasonable time, a city may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax. This power does not relieve the abutting property owner of liability imposed under paragraph b.

f. A city has no duty under this subsection with respect to property that is required by law to be maintained by a railway company.

Approved February 2, 1984

CHAPTER 1003

DIRECT DEPOSITS OF REVENUE AND SPECIAL ASSESSMENTS

H.F. 658

AN ACT relating to the direct deposits of revenue and special assessments collected by the county treasurer.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 331.552, Code 1983, is amended by adding the following new subsection:
NEW SUBSECTION. Send, before the fifteenth day of each month, the amount of tax revenue, special assessments, and other moneys collected for each tax-certifying or tax-levying public agency in the county for direct deposit into the depository or financial institution and account designated by the governing body of the public agency. The treasurer shall